

**BOONE COUNTY
BOARD OF ZONING APPEALS**

A. Petition Number:	16WA-7-086
B. Applicant:	Craig and Beverly Watson
C. Identification Number:	011-05770-02
D. Location:	The location of the subject 34 is south of 444 West Henry Road; Kirklin, IN 46050. The current zoning of the property is General Agricultural (AG).
E. Parcel History:	<u>History of Parcel</u> The proposed 34 acres represents the first split out of the parent tract of 39 acres owned by Roger and Peggy Buckingham. Mr. Roger and Peggy Buckingham have owned the property prior to the enacted date (November 1, 1998) of the Boone County Zoning Ordinance.
F. Land Use and Zoning:	<u>Present Zoning</u> The present zoning classification of this property is General Agricultural (AG).
G. Action Requested:	<u>Special Exception</u> The applicant is seeking a Special Exception for the allowance of constructing a new single family residence in the General Agricultural Zoning District.
H. Soil Boring Report:	<u>Boone County Health Department</u> Letter Drafted: June 22, 2016 This office received a set of soil borings dated June 22, 2016 for the proposed lot located at 251 West Henry Road. The soil borings were taken by Bill Hosteter. In general, the soil borings for this lot are suitable for an in-ground septic system as long as no soil disturbance occurs in the soil boring area between the date of when the borings were taken and the date of when the borings were taken and the date of when the septic system is installed.
I. Utilities:	The subject property will be serviced by septic and well facilities.
J. Technical Advisory Committee Comments:	This item was reviewed by the (TAC) Technical Advisory Committee on July 5, 2016 and had the following comments: <u>Boone County Health Department</u> Letter Drafted: June 22, 2016 This office received a set of soil borings dated June 22, 2016 for the proposed lot located at 251 West Henry Road. The soil borings were taken by Bill Hosteter. In general, the soil borings for this lot are suitable for an in-ground septic system as long as no soil disturbance occurs in the soil boring area between the date of when the borings were taken and the date of when the borings were taken and the date of when the septic system is installed.

**K. Director's Determination
and Standards for Special
Exception & Staff
Analysis:**

Boone County Surveyors Office

The property has identified a proper drainage outlet for the property. The applicant will be required to apply for drainage permit for the primary and accessory structures.

Boone County Highway Department

The proposed driveway along Henry road will require a revised survey to denote the exact location of the driveway in accordance with the property lines. A driveway permit approval is required prior to the release of the Improvement Location Permit (ILP) for the new single family residence.

Boone County Area Plan Commission

The applicant has outlined the physical location of the new single family residence in the area outside of Flood Zone "A" denoted on the attached FIRM panel. The Boone County Area Plan Commission approves the proposed location of the single family residence based on the ability to adhere to the Ordinance requirement of 2 acres void of all floodplain and dedicated easements. Specifically, the requirements of Section III, Subsection B.14.b Adverse Environmental Regulations has been reviewed and the subject property provides a minimum of approximately 9 acres clean above the northern limits of Flood Zone "A" line as depicted on the enclosed FIRM panel.

Section III, Subsection B.14.b Adverse Environmental Regulations

No subdivision containing land located in a floodway or a flood hazard area shall be approved by the Area Plan Commission with the approval of Indiana Department of Environmental Management. No lot shall be Located so as to include land located within a floodway or flood hazard area unless the lot is such size and shape it will contain a buildable area not within a floodway or flood hazard area, suitable for development as allowed by the zoning ordinance for zone in which the lot is located.

APC Director Determination of Land Use Process

The APC Director determined the subject property requires a Special Exception approval based on Table 2, Authorized Use of the Boone County Zoning Ordinance which requires Special Exception approval for a new single family dwelling in the General Agricultural District.

Standards for Evaluating Special Exceptions

Per Indiana Code 36-7-4-918.2, the Board may impose reasonable conditions as part of the approval. Per Indiana Code SS 36-7-4-921(a) (1), the Board may require the owner of the parcel to make a written commitment concerning the use or development of that parcel. In accordance with the Boone County Zoning Ordinance, all of the following conditions must be met in order to grant a Special Exception:

Evaluation Standard -1

The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals or general welfare.

Applicant: 16WA-7-086-Watson

Date: July 27, 2016 BZA Meeting

Petition: Special Exception for New Single Family Home

APC Staff Comments:

As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC) meeting, APC staff finds the petitioner has demonstrated to APC staff the ability to satisfy the zoning provisions of the Ordinance. The ability to meet the standards of the Ordinance inherently uphold the protection of the police power and pose no threats to endanger the public, health, safety, morals, or general welfare of the community.

Evaluation Standard -2

The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC), APC staff finds in review of this petition, the application meets the standards of the zoning ordinance and poses no threat to the surrounding properties by the evidence submitted in the application for the future existence of the proposed single family home.

Evaluation Standard-3

The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the District.

The applicant has stated the special exception request is for the establishment of a building lot. In conducting property research on the property, the subject property is located in rural residential area, therefore, the future use of the property for a single residential dwelling will not impede adjacent properties from viable use of the land in the future.

Evaluation Standard-4

Adequate utilities, access road, drainage and other necessary Facilities have been or are being provided.

The applicant has stated in the application, the proposed lot will provide area for on-site septic system and private well.

Septic System-Boone County Health Department

Letter Drafted: June 22, 2016

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Drainage Outlet

The applicant has demonstrated a viable drainage outlet for the site and will need to apply for the required Drainage permit.

Access Road-Henry Road

The proposed driveway along Henry road will require a revised survey to denote the exact location of the driveway in accordance with the property lines. A driveway permit approval is required prior to the release of the Improvement Location Permit (ILP) for the new single family residence.

Evaluation Standard-5

Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion on the public roadways.

The utilization of the existing driveway will not increase or alter the current level of traffic flow on Henry Road.

Evaluation Standard-6

The Special Exception will be located in a district where such use is permitted and all other requirements set forth in the Boone County Zoning Ordinance which are applicable to such use will be met.

As found in Table 2, Authorized Uses of the Boone County Zoning Ordinance, a Single Family Dwelling is permitted by Special Exception in the Agricultural District, therefore, the applicant has conducted the legal process for allowing a new single family structure in the Agricultural Zoning District.

L. Staff Recommendation:

Based on the submitted information, Area Plan Staff recommends approval of the Special Exception as presented contingent on the following conditions:

- 1) The applicant shall Sign a Right-to-Farm Agreement;
- 2) The applicant shall Sign a County Drainage Agreement;
- 3) The applicant shall show a 40' wide Agricultural Buffer which borders agricultural practices;
- 4) The Improvement Location Permit (ILP) issuance is subject to Final Technical Advisory Committee (TAC) review;
- 5) The site plan submitted for Improvement Location Permit for the new single family home will be in located outside of Flood Zone "A" depicted on the Floodplain Insurance Rate Map (FIRM) panel. The location of subject home will be in substantial compliance with submitted site plan.